

111TH CONGRESS
1ST SESSION

H. R. 615

To amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2009

Mr. ACKERMAN (for himself, Mr. MORAN of Virginia, Mr. ROHRABACHER, Mr. CROWLEY, Mr. BROWN of South Carolina, Mr. CASTLE, Mr. COHEN, Mr. VAN HOLLEN, Mr. HARE, Mr. FILNER, Mr. SMITH of New Jersey, and Mr. MOORE of Kansas) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Antifreeze Bittering
5 Act of 2009”.

1 **SEC. 2. ADDITION OF BITTERING AGENT IN ANTIFREEZE**
2 **REQUIRED.**

3 The Federal Hazardous Substances Act (15 U.S.C.
4 1261 et seq.) is amended by adding after section 24 (15
5 U.S.C. 1278) the following new section:

6 **“SEC. 25. ADDITION OF BITTERING AGENT IN ANTIFREEZE**
7 **REQUIRED.**

8 “(a) IN GENERAL.—Any engine coolant or antifreeze
9 that is manufactured after the date that is 6 months after
10 the date of enactment of this section, and that contains
11 more than 10 percent ethylene glycol, shall include
12 denatonium benzoate at a minimum of 30 parts per mil-
13 lion and a maximum of 50 parts per million as a bittering
14 agent within the product so as to render it unpalatable.
15 Any engine coolant or antifreeze that is subject to this
16 subsection and is not in compliance with this subsection
17 shall be deemed a ‘banned hazardous substance’ within the
18 meaning of section 2(q) (15 U.S.C. 1261(q)), and shall
19 be subject to the penalties provided for in section 5 (15
20 U.S.C. 1264).

21 “(b) RECORD KEEPING.—A manufacturer of a prod-
22 uct subject to this section shall maintain a record of the
23 trade name, scientific name, and active ingredients of any
24 bittering agent used pursuant to this section. Such infor-
25 mation shall be available to the public upon request.

1 “(c) LIMITATION ON LIABILITY.—(1) Subject to
2 paragraph (2), a manufacturer, processor, distributor, re-
3 cycler, or seller of an engine coolant or antifreeze that is
4 required to contain an aversive agent under subsection (a)
5 shall not be liable to any person for any personal injury,
6 death, property damage, damage to the environment (in-
7 cluding natural resources), or economic loss that results
8 from the inclusion of denatonium benzoate in any engine
9 coolant or antifreeze, provided that the inclusion of
10 denatonium benzoate is present in concentrations man-
11 dated by subsection (a).

12 “(2) The limitation on liability provided in this sub-
13 section does not apply to a particular liability to the extent
14 that the cause of such liability is unrelated to the inclusion
15 of denatonium benzoate in any engine coolant or anti-
16 freeze.

17 “(3) Nothing in this subsection shall be construed to
18 exempt any manufacturer or distributor of denatonium
19 benzoate from any liability related to denatonium ben-
20 zoate.

21 “(d) PREEMPTION.—No State or political subdivision
22 of a State shall have any authority either to establish or
23 continue in effect with respect to retail containers con-
24 taining less than 55 gallons of engine coolant or antifreeze
25 any prohibition, limitation, standard or other requirement

1 relating to the inclusion of a bittering agent in engine cool-
2 ant or antifreeze that is in any way different from, or in
3 addition to, the provisions of this chapter.

4 “(e) EXEMPTION.—The requirements of this section
5 shall not be construed to apply to—

6 “(1) the sale of a motor vehicle that contains
7 engine coolant or antifreeze; or

8 “(2) wholesale containers of engine coolant or
9 antifreeze containing 55 gallons or more of engine
10 coolant or antifreeze.”.

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